

**AN ORDINANCE  
BY FINANCE/EXEC COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEES TO  
EXECUTE A GROUND SITE LEASE WITH CLEARWIRE US LLC FOR THE  
PURPOSE OF PROVIDING WIRELESS COMMUNICATION SERVICES; AND  
FOR OTHER PURPOSES.**

**WHEREAS**, Clearwire US LLC, requires antennas and other radio communication facilities to provide wireless communication services to its customers; and

**WHEREAS**, Clearwire US LLC wishes to reduce the proliferation of cellular towers with the City of Atlanta; and

**WHEREAS**, Clearwire wishes to construct an equipment compound to be located on the ground on a portion of property owned by the City known as Fire Station #28 and located at 2040 Main Street, Atlanta Georgia; and

**WHEREAS**, the Chief Procurement Officer of the Department of Procurement and the Director of the Office of Enterprise Assets Management recommends that a lease be entered into with Clearwire US LLC.

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
ATLANTA GEORGIA, AS FOLLOWS:**

**SECTION 1:** That the Mayor or her designee be and is hereby authorized to execute on behalf of the City of Atlanta an appropriate lease agreement with Clearwire US LLC for the use of 100square feet located at 2040 Main Street for the purpose of constructing an equipment compound to hold communication facilities.

**SECTION 2:** That Clearwire US LLC shall make payments to the City in the amount of four hundred dollars (\$400.00) per month for an initial term of five (5) years, with the option to extend the term for five (5) additional successive five (5) year periods.

**SECTION 3:** That the City Attorney be and hereby is directed to prepare said Lease Agreement for execution by the Mayor, with same to be approved as to form by the City Attorney.

**SECTION 4:** That the funds from this lease agreement shall be deposited to Fund: 1001 (General Fund), Account: 3810001 (Land Rentals), Department: 000002 ( General Revenue Org), Activity: 0000000 (Default).

**SECTION 5:** That all other ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** Finance/ Executive

**Caption:** AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEES TO EXECUTE A GROUND SITE LEASE WITH CLEARWIRE US LLC FOR THE PURPOSE OF PROVIDING WIRELESS COMMUNICATION SERVICES; AND FOR OTHER PURPOSES.

**Council Meeting Date:** 6/15 and 7/06/2009

**Requesting Dept.:** Executive Offices/ Office of Enterprise Assets Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation?** The purpose of this Ordinance is to authorize the leasing of 100 square feet (10' x 10') of ground space on the site of Fire Station # 28, 2040 Main Street, for an equipment cabinet.

**2. Please provide background information regarding this legislation.**

This city fire station already contains a telecommunications tower and equipment that is owned by AT&T Mobility. Clearwire US proposes to co-locate its equipment on that tower, but it needs some ground space for its supporting equipment. The impacted area would be adjacent to another existing equipment site and away from the operating area of the fire station. The Fire Department is not opposed to the additional ground lease. The proposed lease is for an initial term of five years, with an option for five additional five-year extensions. The initial monthly rent would be \$400, or \$4,800 annually. This equates to \$48 per square foot per year, which far exceeds the market value of the site area itself.

**3. If Applicable/Known:**

(a) **Contract Type:**

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

(e) **Number of Bids:**

(f) **Proposals Received:**

(g) **Bidders/Proponents:**

(h) **Term of Contract:**

**4. Fund Deposit Organization & Account:** Funds from this lease agreement shall be deposited to Fund: 1001 (General Fund), Account: 3810001 (Land Rentals), Department: 000002 (General Revenue Org), Activity: 0000000 (Default).

**5. Source of Funds:** General

**6. Fiscal Impact:** The fiscal impact will be revenue for the City.

**7. Method of Cost Recovery:** Pursuant to the proposed Ordinance, the City's would lease 100 square feet of ground space to Clearwire US at a favorable rate and at no cost to the city. The lease proceeds would be deposited in the General Fund.

**This Legislative Request Form Was Prepared By:** John Lavelle, x8620.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Perceta Watkins \_\_\_\_\_

Contact Number: 404.330.6569 \_\_\_\_\_

Originating Department: OEAM *gys*

Committee(s) of Purview: Finance/ Executive

Chief of Staff Deadline: 5/26/2009

Anticipated Committee Meeting Date(s): 6/10/2009 (Briefing - 6/9/2009); 7/1/2009 (Briefing - 6/30/2009 )

Anticipated Full Council Date: 6/15/2009; 7/06/2009

Legislative Counsel's Signature: *Adrian T Jackson*

Commissioner Signature: *Joseph*

Chief Procurement Officer Signature: *Adam Smith*

**CAPTION**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEES TO EXECUTE A GROUND SITE LEASE WITH CLEARWIRE US LLC FOR THE PURPOSE OF PROVIDING WIRELESS COMMUNICATION SERVICES; AND FOR OTHER PURPOSES.**

FINANCIAL IMPACT (if any): Revenue generating

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ (date) Received by LC from CPO: \_\_\_\_\_ (date)

Received by Mayor's Office: *5/27/09* (date) Reviewed by: *g* (date)

Submitted to Council: \_\_\_\_\_ (date)